IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE M.N.KRISHNAN

THURSDAY, THE 16TH AUGUST 2007 / 25TH SRAVANA 1929

WP(C).No. 24785 of 2007(A)
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OS.383/2006 of M.C.,PATHANAMTHITTA
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PETITIONER:
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THE NEW INDIA ASSURANCE COMPANY LTD.,
MADAPARAMBIL CHAMBERS, M.C.ROAD, MUVATTUPUZHA,
BY ITS MANAGER.

BY ADV. SRI.KKM.SHERIF
SRI.A.A.ZIYAD RAHMAN

RESPONDENTS:
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VARGHESE DAVID, KOICJKELETH HOUSE,
MUNDUKOTTACKAL, PATHANAMTHITTA VILLAGE.

BY /

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 16/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

M.N. KRISHNAN , J

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W.P.(C) NO. 24785 OF 2007 A

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Dated this the 16th day of August, 2007.

**JUDGMENT**

This writ petition is preferred to direct the Munsiff, Pathanamthitta to dispose of I.A. Nos. 1635/2007 and 1636/2007 in O.S. No. 283/2006 of the Court. There is an exparte decree against the writ petitioner and it has moved an application for setting aside the exparte decree with a petition to condone the delay in filing the application which is pending consideration before the learned Munsiff. Meanwhile in order to avoid attachment, the writ petitioner has deposited the amount before the court below and the apprehension of the writ petitioner is that if it is withdrawn it will cause injustice to it as it is a company. Since there is a petition to set aside the exparte decree pending before the very same court it is only just and reasonable to direct the court below to dispose of those matters as expeditiously as possible within a time from six weeks from today and till that time a direction is given not to release the amount in favour of the plaintiff in the said suit.

The writ petition is disposed of accordingly.

**M. N KRISHNAN, JUDGE.**

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